

**FILED**  
IN CLERK'S OFFICE  
US DISTRICT COURT E.D.N.Y.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

★ JUN 06 2018 ★

TYLER SANDERS, individually and on  
behalf of those similarly situated,

Plaintiff,

vs.

TAHOE RESOURCES, INC.; ELIZABETH  
McGREGOR; MARK SADLER; RONALD  
W. CLAYTON; and C. KEVIN McARTHUR,

Defendants.

No.: 1:17-cv-04052-NEG-REB BROOKLYN OFFICE

**STIPULATION AND ORDER OF  
TRANSFER TO THE DISTRICT OF  
NEVADA'S SOUTHERN DIVISION**

WHEREAS, pursuant to 28 U.S.C. § 1404(a), the only remaining Lead Plaintiff movant, Kevin Nguyen, and Defendants Tahoe Resources, Inc. ("Tahoe"), Ronald W. Clayton, C. Kevin McArthur, Elizabeth D. McGregor and Mark T. Sadler, stipulate to the transfer of this case to the United States District Court for the District of Nevada's Southern Division.

WHEREAS, on July 7, 2017, original plaintiff Tyler Sanders filed this lawsuit asserting claims under Federal securities laws against the Defendants on behalf of a purported class of Tahoe investors.

WHEREAS, on the same date, two other plaintiffs filed almost identical lawsuits against the same Defendants:

- a. *Attigui v. Tahoe Resources, Inc., et al.*, No. 2:17-cv-01868-RFB-NJK, which was filed in the United States District Court for the District of Nevada in Las Vegas and assigned to the Honorable Richard F. Boulware II ("*Attigui*"); and
- b. *Cabrera v. Tahoe Resources, Inc., et al.*, No. 1:17-cv-05155-AT, which was filed in the Southern District of New York and assigned to the Honorable Analisa Torres ("*Cabrera*").

WHEREAS, on September 5, 2017, Kevin Nguyen filed a motion for appointment as Lead Plaintiff and Lead Counsel for the purported class of plaintiffs. The original plaintiff here,

Tyler Sanders, did not file such a motion. While certain other parties filed similar motions for appointment as Lead Plaintiff, all of those parties subsequently withdrew their motions leaving Mr. Nguyen's motion unopposed. This Court has not yet ruled on Mr. Nguyen's motion because the actions need to be consolidated before a Lead Plaintiff can be appointed.

WHEREAS, on November 6, 2017, Mr. Nguyen moved to transfer the *Cabrera* action to the District of Nevada's Southern Division so that it could be litigated for all purposes in Las Vegas with the *Attigui* action. This Court stayed the *Sanders* case pending resolution of that motion to transfer.

WHEREAS, on May 14, 2018, Judge Torres entered an Order transferring the *Cabrera* action to the District of Nevada's Southern Division ("Transfer Order"). A copy of the Transfer Order is attached hereto.

WHEREAS, the Parties agree that the prerequisites for transferring this case to the District of Nevada's Southern Division are satisfied: "It is undisputed that at the time of filing, the District of Nevada's Southern Division would have had personal jurisdiction and subject matter jurisdiction over the Defendants, and venue would have been proper in that court." (Transfer Order at 1-2).

WHEREAS, pursuant to 28 U.S.C. § 1404(a), Mr. Nguyen and the Defendants agree and stipulate that this case be transferred to the United States District Court for the District of Nevada's Southern Division.

IT IS HEREBY STIPULATED AND AGREED by and among Lead Plaintiff movant Kevin Nguyen and Defendants Tahoe Resources, Inc., Elizabeth McGregor, Mark Sadler, Ronald W. Clayton, and Kevin C. McArthur, that this action should be transferred to the District of Nevada's Southern Division.

DATED: New York, New York  
June 6, 2018

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*Attorneys for Defendants Tahoe Resources,  
Inc., Elizabeth McGregor, Mark Sadler,  
Ronald W. Clayton, and C. Kevin McArthur*

**SO ORDERED**

/S/ Judge Nicholas G. Garaufis

Judge Nicholas G. Garaufis  
United States District Judge

Dated: New York, New York  
June 6, 2018